

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2016 FEB 29 AM 8:33

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

IN RE IN RE APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER AUTHORIZING THE INSTALLATION AND USE OF A CONCEALED REMOTE CAMERA OVERLOOKING THE ADDRESS RANGE OF 3420 THROUGH 3339 LEHMAN ROAD, CINCINNATI, OHIO 45205

MAGISTRATE CASE NO. 1:15-MJ-553

JUDGE BOWMAN

MOTION AND ORDER REQUESTING THE COURT ORDER, THE APPLICATION FOR ORDER, AND THIS MOTION AND ORDER REMAIN SEALED

Now comes the United States Attorney and moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, and the Court's inherent power to control papers filed with the Court, for an order requiring that the entire case 1:15-MJ-553, remain sealed for 120 days or until such time as an Indictment or Information is filed or until directed by this Court.

In support of this Motion, the United States Attorney charges:

1. That an application for a Court Order was filed in this case on 10/26/2015. The United States Attorney asks that the entire case 1:15-MJ-553 remain sealed for 120 days or until such time as an Indictment or Information is filed or until directed by this Court. (*Cf., In re Search Warrant for 2934 Anderson Morris Road Niles, Ohio 44406*, 48 F.Supp.2d 1082, 1084 (6th Cir. 1999)), (holding that "the sensitive nature of the information contained in the affidavit, the interest in protecting the ongoing investigation, and the privacy interests of those named in the affidavit, all weigh in favor of maintaining the affidavit under seal.") Placing all documents in case 1:15-MJ-553 under seal will alleviate the need to file multiple duplicate motions in the same Magistrate Case.

2. That there is no Indictment or Information pending before any United States District Court which necessitates the disclosure of the documents in case 1:15-MJ-553 at this time.

3. Pursuant to Rule 12 of the Federal Rules of Criminal Procedure the proper time for moving to suppress evidence obtained pursuant to the Court order is subsequent to the filing of an Indictment or Information

and arraignment thereon. Therefore, no prejudice would be caused to any defendant or potential defendant by the granting of this motion.

4. That the disclosure of certain information and statements contained in said documents would greatly hamper an ongoing criminal investigation.

WHEREFORE, the United States of America respectfully requests that the entire case 1:15-MJ-553, remain sealed and kept from public inspection until further order of the Court or until 120 days, whichever comes first.

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/Karl P. Kadon III
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Upon the Motion of the United States Attorney and for good cause shown, it is

ORDERED that the entire case, 1:15-MJ-553, remain sealed and the Clerk is instructed not to unseal the case until further order of this Court, or until 120 days, whichever comes first.

2/26/16

DATE

Stephanie K. Bowman
HONORABLE STEPHANIE K. BOWMAN
UNITED STATES MAGISTRATE JUDGE